REMARKS

Claims 2-4, 6-9, and 14-16 are currently pending. Claims 10-13 stand withdrawn. Upon a determination of the allowability of the product claims, Applicants will request rejoinder of any process claims containing all the limitations of an allowed product claim. Claims 6 and 8 have been amended to reflect proper antecedent basis. Claim 14 has been amended to delete reference to "divalent." Claim 1 has been canceled. Applicants reserve the right to prosecute the subject matter of the canceled claim in a continuing or divisional application. Withdrawn claim 10 has been amended to depend from claim 14 and withdrawn claim 12 has been amended to add a period. The Abstract has also been amended to comply with the 150 word limit; a replacement Abstract is filed herewith.

The August 23, 2007 Office Action states that the Applicants' election in the reply filed August 2, 2007 was with traverse. Applicants note that the election was made *without* traverse.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 2, 3, 8 and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabling prodrugs or *meta*-substituted R^2 groups. The Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 2, 3, 8, and 9, as presently amended, depend from claim 14. Claim 14 does not recite prodrugs. The rejection is deemed moot.

Regarding the Office's assertion that *meta*-substituted R^2 groups are not enabled, the Applicants direct attention to Table 1. The listed compounds contain a *meta*-substituted R^2 group. As such, the Applicants submit that such groups are enabled and request reconsideration of the rejection. The Applicants express confusion regarding the Office's recitation of methods of preparation using electrophilic aromatic substitution and request clarification so that a more complete response can be prepared.

Claims 6, 7, and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly nonenabling for *in vivo* testing. The Applicants disagree and request withdrawal of the rejection.

The Office relies on Guiseppe et al. in support of the rejection; but that reference is inapplicable to the present invention. Compound **6** on page 311 of Guiseppe is a peptide; peptides have notoriously poor pharmacokinetic properties and often fail to produce the desired effect *in vivo*. In contrast to Compound **6**, however, the compounds of the present invention are *non-peptoidal*; therefore, they do not suffer from the same pharmacokinetic troubles observed in peptides. Guiseppe is thus inadequate to support the allegation that the claims are not enabled.

Moreover, one of skill in the art, armed with the present specification, would be able to use the instant compounds *in vivo* without undue experimentation. Pages 1-6 of the Specification describe the testing and use of NK_1 antagonists and antagonists *in vivo*. References describing these studies are also provided. Thus, adequate guidance has been provided for the *in vivo* testing of the instant compounds. The first paragraph of 35 U.S.C. § 112 requires nothing more than *objective* enablement. A specification that teaches how to make and use the invention in terms commensurate in scope to the claims *must* be taken as complying with the first paragraph of 35 U.S.C. § 112, *unless* there is reason to doubt the objective truth of the statements relied upon for enabling support. *Stahelin v. Secher*, 24 U.S.P.Q.2d 1513, 1516 (B.P.A.I. 1992) (citing *In re Marzocchi*, 439 F.2d 220, 169 U.S.P.Q. 367 (C.C.P.A. 1971). The Applicants submit that adequate instruction has been provided and respectfully request withdrawal of the rejection.

Double Patenting Rejections

Claim 8 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting over pending claim 1 of U.S. Application No. 10/560,476. Claims 2-4 and 8 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over pending claims 2-4 and 13-15 of U.S. Application No. 10/540,045. The Applicants will consider these double patenting rejections upon recognition of otherwise patentable subject matter in the pending claims. Accordingly, Applicants request that the double patenting rejections be held in abeyance.

Conclusion

The Applicants believe that the foregoing constitutes a complete response to the Office Action and submit that all pending claims are in condition for allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Date: November 15, 2007

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